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SERVICE DATE - JANUARY 18, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 166X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN ADAMS AND HALL COUNTIES, NE (HANSEN INDUSTRIAL LEAD
BETWEEN HASTINGS AND HANSEN, NE)

Decided: January 15, 2002

By decision and notice of interim trail use or abandonment (NITU) served on May 21, 2001, a 180-day period was authorized for the City of Hastings, NE (the City), to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 6.5-mile line of railroad known as the Hansen Industrial Lead, extending from milepost 1.0 near Hastings to the end of the line at milepost 7.5 at Hansen, in Adams and Hall Counties, NE. The 180-day negotiating period expired on November 17, 2001.

By facsimile received on January 7, 2002, the City requests an extension of the negotiating period for an additional 180 days. UP agrees to the extension and is willing to continue negotiations with the City. According to both parties, negotiations have been delayed because of personnel changes in UP's Real Estate Department and UP's need to use this line for storage.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.¹ Under the circumstances, further extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Accordingly, the NITU negotiating period will be extended for 180 days from November 17, 2001.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until May 16, 2002.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary